IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 35007 of 2007(P)

PETITIONER:

MALAPPURAM DISTRICT CO-OPERATIVE BANK LIMITED REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE, UP HILL, MALAPPURAM, KERALA.

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
----

1. **ASSISTANT PROVIDENT FUND COMMISSIONER (ENFORCEMENT) SUB REGIONAL OFFICE, BHAVISHYA HINDI BHAVAN, P.B.NO.1806, ERANHIPALAM, KOZHIKODE.**

2. **THE SECRETARY, THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL OFFICE, 7TH FLOOR, SKYLARK BUILDINGS, 16TH NEHRU PLACE, NEW DELHI 110019.**

BY ADV.SRI.THOKAS MATHEW NELLIMOOTTIL, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

==========

W.P.(C).No.35007 of 2007

==========

Dated this the 27th day of November, 2007

JUDGMENT

The petitioner has been imposed with damages under Section 14B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, for delay in payment of contributions. The petitioner has filed Ext.P2 appeal against that order which is pending. The petitioner's complaint in this writ petition is that before the petitioner could obtain interim orders in the appeal from the Tribunal the first respondent is initiating coercive recovery proceedings. The petitioner submits that such action is arbitrary and unreasonable.

2. The learned standing counsel appearing for the Provident Fund Organisation seeks time to get instructions in the matter. However, I feel that in so far as the petitioner has approched the Tribunal, it is only proper that he be given some breathing time to obtain interim orders in the appeal pending. In the above circumstances, the writ petition is disposed of with the following directions:

If the petitioner pays an amount of Rs.1,00,000/- within two weeks from today, further coercive proceedings pursuant to Ext.P1 order shall be kept in abeyance till the Tribunal Passes orders on Ext.P2 stay petition stated to have been filed by the petitioner. The second respondent is directed to pass orders on the stay petition as expeditiously as possible.

S.SIRI JAGAN, JUDGE

dvs